

Five Star Meals * * * *

> A Guide to Selling Food in the City of Milwaukee

From Penny Candy

to

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The food business is a regulated business. The City of Milwaukee Health Department licenses all retail food businesses in the City. Since beverages are food too, the Health Department inspects Class B taverns licensed by the City Clerk's office, and issues Food Dealer Licenses at taverns that serve food. The requirements for retail food operations are found in the Wisconsin Food Code, which is state law. The code is adopted into the Milwaukee Code of Ordinances, Chapter 68.

There is no "one size fits all" Food Dealer License. Businesses that sell only packaged goods don't need the same type of license as businesses where unpackaged food is handled and prepared (like grocery stores with deli counters, or restaurants). We've prepared this guide to help you understand the different types of licenses and equipment standards, and to walk you through the application process.

Web link to the Wisconsin Food Code:



http://datcp.state.wi.us/fs/regulation/food/food_code.html

Helpful Hints

Did You Know That...

• you can learn about the Health Department history of an existing business, or a business that isn't currently open, before applying for the license?

HINT: Call 286-3674 to find out about viewing inspection records or talking to an inspector.

• the condition of your building can affect how much or little work it will need to meet code requirements for a food operation?

HINT: You can get information on building code violations at www.milwaukee.gov. Click on the link "Property Data". You can get information about occupancy, construction permits and zoning matters from the City of Milwaukee Development Center, 809 N. Broadway, (414)286-8211. They're on the web at www.mkedcd.org/build/.

• when you have a Food Dealer License, you (or your corporation) are responsible for code compliance – from operations to maintenance and repairs?

HINT: If you operate your business in a building you don't own, make sure you and your landlord discuss exactly who will be responsible for what. The Health Department will issue orders to you, not your landlord.

• if you cook or process food, within 90 days of opening, you must have a manager who holds a Certified Professional Food Manager certificate from the Wisconsin Dept. of Health and Family Services?

HINT: Ask your inspector or the desk staff for a list of schools and organizations that offer accredited food sanitation classes.

Don't assume that taking over an existing restaurant or tavern will simply be a matter of paperwork. In many cases it is, but some things may need to be changed or upgraded to meet current codes. Current operators, landlords or others involved in the transaction don't have the final say on licensing. The Health Department does, so do your homework before making commitments.

Applying For A Food License -

Frequently Asked Questions

Where Do I Apply?

You can apply in person at 841 North Broadway, Room 304 between 8:00 AM and 4:15 PM, Monday through Friday. Call (414) 286-3674 to learn about applying by mail or fax.

What Information Should I Bring?

If you want to license your business as a corporation, limited liability company or limited partnership, make sure your company is registered with the Wisconsin Department of Financial Institutions. Know the corporate address and the name of your registered agent. Have an estimate of what your gross food sales will be, since fee calculations are based on that. If you are going to be licensed as an individual, bring your driver's license.

You can reach the Wisconsin Department of Financial Institutions at www.wdfi.org or at (608) 266-3590

I'm Taking Over an Existing Business....

If you don't plan to make any changes in the business, fill out a Food Dealer License Application, pay the fees (the staff will help you calculate these), then make an appointment with your inspector. The inspector will do a pre-inspection at your business to see if any repairs or changes need to be made before you open. Grandfathered equipment will be re-evaluated. The inspector will also review your menu (for restaurants and stores that prepare food), and inform you about code requirements.

I'm Taking Over An Existing Business But I'm Making Changes

Your inspector will talk to you about your plans. Changes in menu, hours or volume of food preparation may require equipment changes. Grandfathered equipment will be re-evaluated. If you plan to remodel, you must submit plans for the Health Department to review before you start. You can learn more about the plan review process on page 7 of this pamphlet; and about equipment basics on pages 7 and 8.

I'm Starting From Scratch - New Construction!

Before construction, you must submit plans to the Health Department for review. Plan exam fees must be submitted with the plans. You can learn about the plan review process on page 5 of this pamphlet. You'll also need to apply for a Site Evaluation and license. You can apply and pay for your license when you apply for the Site Evaluation, or wait till your project is closer to completion.

What Is a Site Evaluation, and When Do I Need One?

A site evaluation is a visit by a Health Inspector to assess what a location needs to meet Wisconsin Food Code standards for the type of food service you plan to operate. If you are

- opening at a location that has not been a food business before
- opening a food business that has been closed for five or more years
- planning to process food, or prepare meals at a location that was previously licensed for prepackaged foods only

you **must** have a site evaluation by the Health Department.

A site evaluation can provide valuable information that you can use to budget, or make decisions about a site or a remodeling plan. You can have a site evaluation whether or not it's required, if you apply and pay the fee. The inspector who does the evaluation will leave you with a written report.

What About "Grandfathered" Equipment?

The inspector considers the following factors when evaluating grandfathered equipment:

- If an individual piece of equipment complied with the code in force when it was installed, and is still in good condition it may be grandfathered. It must still function as designed and be used for the purpose it was made for.
- Any equipment you acquire, that was not on the premises before, must comply with current codes.
- The current code requires separate, air-gapped food preparation sinks. After evaluating your operation and menu, your inspector may require one.
- Exhaust systems must be fire safe. If any portion of the system (hood, duct work, cleanouts, fan, penetrations, method of installation, etc.) is not fire safe the system must be upgraded. Fire safety takes precedence over all other considerations.

You can learn more about equipment and facility requirements on pages 7 and 8.

REMEMBER! It is not legal to operate merely because you have applied and/or paid for a licence or site evaluation. You cannot open your business until the inspector has visited and released your license.

The Plan Review Process

When Do I Need Plan Review?

If you are:

- Building from the ground up.
- Creating a food business in an existing building where there was not a food business before.
- Changing the type of food business for example, adding a restaurant or meat cutting (food processing) operation to a store that sold packaged goods only.

You must submit plans for Health Department review.

If you are remodeling an existing food business or making changes to the menu, consult with an inspector before any remodeling. Small changes may not require plan submittal, but only Health Department personnel are qualified to make this determination.

Why Do I Need Plan Review?

The Health Department requires you to submit plans so we can determine that your facility and equipment will meet the standards set forth in the Wisconsin Food Code. Plan review helps ensure that your investment in equipment, materials and contractor time will result in a safe and complying facility.

Can I Draw My Own?

Plans submitted to the Department do not have to be prepared and stamped by professional architects or designers (though that is desirable for complex projects). Plans submitted should be drawn to scale however; and must address the following issues:

- 1) Food to be Served and/or Sold A proposed list of foods to be sold or a menu must accompany the plans. Include as much detail as possible cover proposed hours of operation, volumes of food to be prepared, methods of preparation, catering etc. This is as important as your blueprints! A restaurant that will cater, or prepare large batches of soups and gravies needs more and different types of refrigeration than a sandwich shop. Operations processing raw meats and poultry need to have enough room to keep these items safely separated from ready-to-eat foods. Plans are evaluated with these food safety considerations in mind.
- 2) **Floor Plan** show the locations of serving, food preparation and dry storage areas, toilet rooms, customer areas etc.

- 3) **Food Service Equipment Layout** Identify each piece of equipment (such as hoods, appliances, sinks, prep tables, storage units, shelving, etc.) and show where it will be located.
- 4) **Plumbing Fixtures** Show location and type of all plumbing fixtures; including water and/or waste provisions for floors, condensate drains from refrigeration equipment, dipper wells, beverage equipment, ice bins, buffet lines, steam tables, dish machine(s), warewash sinks, food prep sinks, hand wash facilities, mop sinks, etc. Submit plumbing plans to the Department of Neighborhood Services as well as the Health Department.
- 5) **Hot Water Equipment** Indicate both building water heaters and booster heaters. List manufacturer, type, model number, storage capacity and recovery rates. Indicate the location of equipment utilizing hot water and the piping to it. Hot water needs to reach all fixtures within 20 seconds of activation.
- 6) **Kitchen Ventilation and HVAC** Must comply with Wisconsin Code ILHR 64 and should conform to NFPA 96. Exhaust hoods shall be listed by an ANSI accredited body. Any finishes applied to interior surfaces shall be factory applied and listed for use in a food zone. The contracted designer or installer must submit exhaust and replacement air plans, as well as all other HVAC plans to the Department of Neighborhood Services and the Health Department.
- 7) Food Service Equipment Specifications Equipment specifications must include manufacturer's name, model number of the unit, and descriptive information, including the type of mounting. All food service equipment shall be sanitation listed by an ANSI (American National Standards Institute) accredited organization (NSF, ETL, UL), or its equivalent. Used equipment will be evaluated prior to approval.
- 8) **Floor, Wall, and Ceiling Finishes** Material to be used, and finished surface must be indicated. Indicate product description for surface finishes in all areas preparation, serving, storage, warewashing, toilet rooms and customer areas.
- 9) **Lighting** Location, type, size and intensity (in foot candles or wattage) of lights must be shown. Specify that protective light coverings will be provided in all food preparation, storage, dishwashing and display areas.
- 10) **Storage Areas** Indicate location and construction details of all storage areas.
- 11) **Garbage and Refuse Disposal** Indicate what provisions will be made for the storage and disposal of garbage.
- 12) **Service Areas** Indicate where the service sink will be, and where cleaning equipment and supplies will be stored. Show where employees' clothing and other personal items will be kept.

Contact the Department of Neighborhood Services (formerly Building Inspection) at the Permit Center at 809 North Broadway (414-286-8211) to inquire about plans or permits required by that department.

What Will Happen After I Submit Plans?

The Health Department plan examiner will review them. If he/she has questions or suggestions while reviewing the plans, he/she will contact you or your designer for clarification or problem solving. Then he or she will either: (a) approve them as submitted, (b) reject them, or (c) approve them if certain changes are made, or issues addressed. You'll receive a letter explaining the decision.

You can start your project when the plans have been approved. If you find that changes are necessary after starting, always check with the Health Department. You should also notify the Department of Neighborhood Services regarding HVAC and/or plumbing changes. Deviations from the plans have to be reviewed for code compliance. Completed work will be checked against the approved plans.

A Few Words About Facilities and Equipment

This equipment "primer" will help you understand Wisconsin Food Code requirements and prepare for your licensing inspection, but it isn't the whole code.

When you apply for a Food Dealer License, get your inspector involved well before your target opening date. "Do-it-your-selfers" and contractors alike can avoid errors, disappointments and delays by consulting Department staff early.

Ventilation

Heat and grease producing equipment must be properly ventilated. If exhaust equipment (including replacement air) isn't properly installed, clean and in good condition, fire safety, sanitation, and employee health and comfort will be compromised. Every installation and modification of exhaust ventilation equipment in a food establishment must be reviewed and approved by the Health Department (and Dept. of Neighborhood Services) before work is started.

Existing systems will be evaluated at (a) each licensing inspection (b) when menus or equipment are altered and (c) when problems are observed during inspections. **Kitchen ventilation isn't a field for the untrained handyperson.** Always use professionals for design, installation and servicing of ventilation equipment.

Sinks

Sink requirements vary. A store with nothing but prepackaged items only needs to have a restroom sink for hand washing; and a mop sink. Facilities like this cannot be licensed for any other type of food service.

Restaurants and stores that process or handle unpackaged food must have sinks (and/or mechanical dish washing equipment) for utensil washing, hand washing and disposal of mop water. Restaurants and stores where food is processed may also need food preparation sinks.

Specific standards and requirements for each type of sink are found in the Wisconsin Food Code, and you should **never** purchase or install a sink or dish machine until you've made sure it meets the requirements for your application. All installations must be done in compliance with Wisconsin Plumbing Codes, so make sure your plumber is licensed and has obtained the necessary permits.

Floors, Walls and Ceilings

A food service facility must be easy to clean. Finishes must stand up to the constant application of water and cleaning solutions. Dark colors that conceal dirt and grease must be avoided. Ridges, textures, seams, cracks and crevices aren't allowed because they're harder to clean and retain moisture and food debris. These create conditions that make sanitation and pest control difficult.

Older facilities may have areas that don't meet these standards. The Health Department will evaluate these each time there is a change of operator, or a change of use, menu or volume at an existing operation.

Don't guess when making changes or repairs! Your inspector or plan examiner knows which materials meet Wisconsin Food Code standards, and which will perform well for your application. Workmanship is important too! If you, or a contractor install or apply the right materials with poor workmanship, the work cannot be accepted.

Refrigeration and Other Equipment

Non-commercial refrigerators are not allowed in any licensed facility. Do not buy a refrigerator that isn't listed by an ANSI accredited agency (NSF) for commercial use. Before buying a listed unit, check with the vendor, manufacturer's rep or Health Department to make sure it is designed for your application. A cooler accepted for self-service in a retail grocery may not be accepted in a restaurant kitchen. Grandfathered coolers will be re-evaluated any time an inspector visits. Non-commercial freezers are accepted only under specific circumstances. Your inspector will make that decision.

An NSF, ETL Sanitation or UL Sanitation listing is your best assurance that equipment will be acceptable. We don't recommend purchasing non-listed equipment. Check with an inspector first!



City of Milwaukee Health Department

Consumer Environmental Health Division

visit the Health Department's website at: www.milwaukee.gov/health

The City of Milwaukee Health Department in its capacity as an employer and service provider does not discriminate on the basis of age, race, religion, color, gender, national origin, arrest or conviction record, sexual orientation, marital status, disability, political belief or affiliation, or military participation. Persons needing disability assistance information, language assistance, or interpreter services please call 414-286-3524 or (TTY) 414-286-2025. Discrimination claims may be filed with the Department's Equal Opportunity Coordinator by calling 414-286-2359.